THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.825 OF 2006

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Dated: 10-01-2006

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Between

Shaik Jhani, trading under the name and
Style of J.K. Industries, S/o. Khasim,
Occ: Business, R/o. Door No.12-7-16 and
17, Hayatkhan street, Tarapet, Vijayawada
and others.

...PETITIONERS

AND

Vijayawada Municipal Corporation,
Rep. by its Commissioner, Jawaharlal
Nehru Buildings, Vijayawada and
Others.

...RESPONDENTS

ORDER:

Petitioners question the notice dated 17.12.2005 issued by the first respondent under Section 456 of the Hyderabad Municipal Corporations Act, 1955 (for short 'the Act') calling upon the respondent No.3 and her husband to pull down the building bearing Nos.12-7-15 to 17 wherein the petitioners are non-residential tenants; which is in dilapidated condition endangering the safety and life of the inmates as well as the passers-by, immediately or to get it strengthened in the public safety and life point of view.

Learned counsel for the petitioners submits that no notice under Section 456 of the Act can be issued straightaway directing the owner or the occupants of the buildings to pull down the same without giving reasonable opportunity of stating objections as contemplated under Section 459 of the Act.

Having regard to the facts and circumstances of the case,
the respondents are directed to treat the impugned notice dated 17.12.2005 as show cause notice calling upon the petitioners to file their objections and the petitioners are also permitted to file their objections within two weeks from the date of receipt of a copy of this order. If any such objections are filed, the respondents are directed to consider and pass appropriate orders in accordance with law after giving reasonable opportunity to the petitioners, till then the respondents are directed not to pull down the said buildings in question.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

January 10, 2006

DSK